

Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendment and following remarks.

Claim 1 has been amended to clarify that when each of the three conditions recited in the last two lines of this claim occur, m is 0. This was Applicants' intention in filing the Amendment of January 4, 2010, as indicated in the third paragraph from the bottom of page 16 of that Amendment. However, considering that the Examiner has maintained the rejection based on the Tamura et al. reference, and in view of the telephone discussion with the Examiner referred to below, claim 1 has been amended to clarify Applicants' intention in this regard.

Claim 11 has been cancelled, rendering moot the objection to this claim (page 5 of the Office Action) as being a duplicate of claim 10.

Substance of Interview

On June 10, 2010, Applicants' attorney discussed the Office Action with the Examiner by telephone. Referring to the bottom of page 4 of the Office Action, the Examiner indicates that if compound 202 of the reference is represented as $m=0, j=k=1, Z^{11} = -CH_2O-$ then compound 202 reads on the present claimed Formula (1). However, Applicants' attorney noted that according to the last two lines of claim 1, each of j and k is zero when m is zero, i.e. the conditions recited by the Examiner at the bottom of page 4 of the Office Action do not exist in claim 1. The Examiner suggested that the last two lines of claim 1 be amended to clarify this. [As indicated above, claim 1 has been amended for this purpose.]

Patentability arguments

The patentability of the presently claimed invention over the disclosure of the reference relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

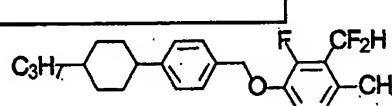
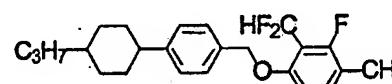
Thus, the rejection of claims 1-2, 36-44 and 46 under 35 USC 102(b) or 35 USC 103(a) as being anticipated by or obvious over Tamura et al. (US '303) is respectfully traversed.

Referring to the telephone discussion with the Examiner, the condition $m=0, j=k=1$ noted at the bottom of page 4 of the Office Action does not exist in claim 1 of the present application,

and therefore, compound 202 of the Tamura et al. reference is excluded from claim 1.

Accordingly, it is clear that this reference does not anticipate claim 1.

Compound 202 of Tamura et al. and the closest structurally similar compound encompassed by the present invention are structurally illustrated below, together with their compatibility characteristics:

Compatibility wt %in NN-1	
Present Invention 	15
US 6576303 	10

These compounds differ from each other in the positions of the fluoro and difluoromethyl groups, as a result of which the compound of the present invention has better physical properties, particularly in terms of its compatibility, as referred to, for example, in paragraphs [0004] and [0326] of the specification. There is no disclosure in the Tamura et al. reference which would lead one of ordinary skill in the art to modify compound 202 of the reference in a manner which would lead to the compound of the present invention, and therefore, Applicants take the position that the reference does not suggest the compound of the present invention.

Accordingly, Applicants respectfully submit that the rejection of the claims as being anticipated or suggested by the Tamura et al. reference should be withdrawn.

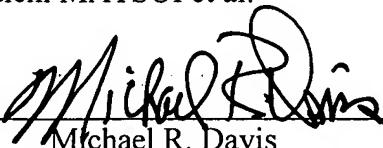
The objection to the other claims, in item 6 on page 6 of the Office Action, should also be withdrawn, since all of these claims are directly or indirectly dependent on claim 1.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection and objection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

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